

Translation

PATENT COOPERATION TREATY

PCT/FR2003/050073



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31 MAR 2005

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference CPT02017	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR2003/050073	International filing date (day/month/year) 02 octobre 2003 (02.10.2003)	Priority date (day/month/year) 04 octobre 2002 (04.10.2002)
International Patent Classification (IPC) or national classification and IPC G06F 9/22		
Applicant CANAL + TECHNOLOGIES		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 04 mai 2004 (04.05.2004)	Date of completion of this report 16 March 2005 (16.03.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR2003/050073

I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☒ the description:
pages _____ 1-6 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the claims:
pages _____ 1-6 _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the drawings:
pages _____ 1/2-2/2 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR2003/050073

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application.
- ☒ claims Nos. 4

because:

- ☐ the said international application, or the said claims Nos. _____
relate to the following subject matter which does not require an international preliminary examination (*specify*):

- ☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 4
are so unclear that no meaningful opinion could be formed (*specify*):

See supplemental sheet

- ☐ the claims, or said claims Nos. _____ are so inadequately supported
by the description that no meaningful opinion could be formed.
- ☐ no international search report has been established for said claims Nos. _____

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

- ☐ the written form has not been furnished or does not comply with the standard.
- ☐ the computer readable form has not been furnished or does not comply with the standard.

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: III

1. **Claim 1 is not clear** and does not fulfil the requirements of PCT Article 6 in so far as the subject matter for which protection is sought has not been defined clearly. The functional definition as specified on page 7, lines 8-11, does not allow a person skilled in the art to determine which technical features are necessary for carrying out the function, whereby the first on-board software program can be authenticated.

In particular, the role performed by the authentication software module in this authentication method is not clear because, even after reading the description [page 5, line 25 to page 6, line 2], a person skilled in the art is not able to determine whether said software module corresponds to the authentication library (technical feature inserted into claim 1) or to the verification software program (technical feature inserted into claim 2).

2. In claim 4 [page 8, lines 2-3], the two authentication steps are carried out during the "initialisation". A person skilled in the art is not able to determine to which initialisation reference is being made. As a result, **claim 4 is not clear** and does not fulfil the requirements of PCT Article 6.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	1-3, 5, 6	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-3, 5, 6	NO
Industrial applicability (IA)	Claims	1-3, 5, 6	YES
	Claims		NO

2. Citations and explanations**1. Reference is made to the following documents:**

D1: EP 0 770 957 A2 (SUN MICROSYSTEMS INC.)
2 May 1997;

D2: WO 00/64178 A1 (GENERAL INSTRUMENT CORP)
26 October 2000.

2. Despite the lack of clarity mentioned in Box III, point 1 above, the subject matter of claim 1 is not inventive under the terms of PCT Article 33(3), for the following reasons:

Document **D1**, which is considered to be the prior art closest to the subject matter of claim 1, describes [**D1**: page 3, line 57 to page 4, line 5; page 4, line 55 to page 5, line 5] a method for mutual authentication between software programs. This authentication is based on a signature verification and is carried out by a verifying software module ("program module verifier"). In particular, software program A, wishing to invoke a function of a software program B, firstly authenticates said software program B using the signature corresponding

to said software program B. If such authentication is positive, the function of software program B is then invoked by software program A. However, before executing said function, software program B authenticates the caller, i.e. software program A, using said verifying software module and the signature corresponding to software program A. Thus, when software program B is executed, an authentication step using the certificate of said software program A is carried out by an authentication software module (i.e. said verifying software module) associated with said software program B.

It follows that the subject matter of claim 1 differs from D1 in that software program B is downloaded and the authentication of software program B is carried out after it has been downloaded. The problem that the present invention is intended to solve can therefore be considered to be that of authenticating a previously downloaded program.

However, as mentioned in the description [page 2, lines 21-28] and as also described in document D2 [see the passages cited in the search report], the technique of authenticating a previously downloaded software program by verifying the signature or certificate thereof is a routine technical step for a person skilled in the art.

As a result, **the subject matter of claim 1 does not involve an inventive step.**

3. Dependent claims 2, 3 and 5 do not contain any

features which, in combination with the features of any one of the claims to which they refer, might define subject matter that fulfils the PCT requirement of inventive step (see documents D1, D2 and D3 and the corresponding passages cited in the search report).

4. The same argument applies *mutatis mutandis* to the subject matter of the corresponding independent claim 6. It follows that said claim is likewise not inventive.